

**COURT OF COMMON PLEAS
FOR THE STATE OF DELAWARE
KENT COUNTY COURTHOUSE
DOVER, DELAWARE 19901
PHONE: (302) 739-4618**

**CHARLES W. WELCH, III
JUDGE**

May 14, 2010

Courtney Riordan, Esq.
110 Cullen Street
Dewey Beach, DE 19971

Nicole Hartman, Esq.
Department of Justice
102 West Water Street
Dover, DE 19904

RE: State of Delaware v. Yoder
Cr. A. No.: 1003003247
K10-03-0935

Mr. Riordan and Ms. Hartman:

The Court is in receipt of the Motion for No Contact Order filed by the defendant in the above-referenced matter. The defendant, Karen A. Yoder, asks the Court to issue an order to Officer Vaughn and all other officers of the Kent County Society for the Prevention and Cruelty to Animals ("SPCA"), prohibiting them from contacting the defendant or any other member of her family, absent a warrant, without the prior approval of her attorney.

The SPCA exists "to provide effective means for the prevention of cruelty to animals throughout the State and to conduct educational or other programs as specified by its bylaws." 3 *Del. C. § 7901(b)*. A no contact order prohibiting officers of the SPCA from continuing its investigation of past or ongoing cruelty to animals in this matter would hamper the legitimate purpose of the SPCA. The defendant's family members are not charged in this case, and the Court will not preclude the SPCA from contacting them as witnesses.

The defendant, however, is represented by counsel, and as such, the Court reminds the State that it would be improper for officers of the SPCA to question the defendant concerning this or any other criminal matter. *See Puryear v. State*, 2000 WL 975055, at *1 (Del. 2000). Nevertheless, the no contact order sought by the defendant is overbroad in that it would require the SPCA to obtain a warrant before contacting possible witnesses in this matter, and to coordinate all such contact through the defendant's attorney. Therefore, the defendant's motion is denied.

IT IS SO ORDERED.

Sincerely,



Charles W. Welch, III

CWW:mek